

REMARKS

Claims 1-5, 8-10, and 13-16 were previously pending in the application. Claims 2-3, 8-10, 13, and 16 are amended; and new claims 17-18 are added herein. Assuming the entry of this amendment, claims 1-5, 8-10, and 13-18 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Support for new claims 17-18 can be found in Applicant's specification, e.g., on page 4, lines 20-24.

On page 2 of the office action, the Examiner objected to the title of the invention for not being descriptive. In response, the Applicant amended the title of the invention to make it clearly indicative of the invention to which the claims are directed.

The abstract of the disclosure is submitted herewith on a separate sheet to comply with 37 CFR 1.52(b)(4).

On page 3 of the office action, the Examiner rejected claims 1-2, 5, 8-10, and 15-16 under 35 U.S.C. § 102 as being anticipated by Linnett. On page 6, the Examiner rejected claims 3 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Linnett in view of Street. On page 7, the Examiner rejected claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Linnett in view of Holmes.

For the following reasons, the Applicant submits that all pending claims are allowable over the cited references.

Claim 1 is directed to a mobile phone set having a personal locator beacon transmitter circuit operatively coupled to a microprocessor. The microprocessor activates the beacon transmitter circuit only when there is no mobile phone service available. After being activated, the beacon transmitter circuit transmits a beacon that includes an identification code selected from a serial number and a phone number of the mobile phone set.

In the rejection of claim 1, the Examiner cites and relies on Linnett's abstract; title; col. 3, lines 52-57; col. 4, lines 41-45; col. 6, lines 4-18 and 30-38; and col. 11, lines 24-30 and 31-37.

First of all, the Applicant would like to direct Examiner's attention to the fact that the rejection over Linnett is being made under 35 U.S.C. § 102. For such rejections, MPEP § 2131 provides that "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." MPEP § 2131 further explains that:

"A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987)... "The identical invention must be shown in as complete

detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d

1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Applicant submits that the Examiner's rejection of claim 1 under 35 U.S.C. § 102 over Linnett fails to follow the above-cited MPEP guidelines. In particular, it is submitted that Linnett does not explicitly teach or fairly suggest that, if no mobile-phone service is available, then the beacon transmitter circuit of a mobile phone set transmits a beacon signal containing either a serial number or a phone number of the set. At best, Linnett suggests that a beacon signal might include only an emergency contact reference (col. 3, lines 42-44), GPS location information (col. 3, lines

52-57), and/or the user name and PIN (col. 11, lines 17-18). However, each of these items differs from and does not include the serial or phone number of the set, as explicitly required by claim 1. Furthermore, the transmission of these items via a beacon signal in Linnett is not conditioned on the unavailability of mobile-phone service, as explicitly required by claim 1.

The Applicant further submits that Street and Holmes, taken independently or in combination, do not remedy the above specified deficiency of Linnett with respect to claim 1.

For at least these reasons, it is submitted that the rejection of claim 1 under 35 U.S.C. § 102 over Linnett is improper and should be withdrawn and that claim 1 is allowable over the cited references. For similar reasons, it is submitted that claim 9 is also allowable over the cited references. Since claims 2-5, 8, 10, and 13-18 depend variously from claims 1 and 9, it is submitted that claims 2-5, 8, 10, and 13-18 are also allowable over the cited references.

Claim 8, which depends from claim 1, further specifies that “the beacon includes emergency information received from the short range transceiver.” Claim 16, which depends from claim 9, recites a similar limitation.

In the rejection of claims 8 and 16, the Examiner cites and relies on Linnett’s col. 12, lines 27-33, which states that:

The control module **60** controls communication with external devices such as a personal computer and a test equipment via interfaces **72**. An infrared interface or wireless network protocol interface may be provided for communication without direct cable connection. A serial communication link using RS232C style adapter could be accommodated in this module.

While it is true that this passage fairly suggests that Linnet’s device **10** is capable of receiving data from a short-range transceiver, it is also true that this passage contains absolutely nothing about a possible inclusion of the received data into a beacon signal. These facts provide additional reasons for the allowability of claims 8 and 16 over Linnett.

Claim 17, which depends from claims 9 and 16, further specifies that “the short range transceiver communicates with a black box recorder of a vehicle; and the beacon includes emergency information received from said black box.” Claim 18, which depends from claims 1 and 8, recites a similar limitation.

The Applicant submits that the cited references do not teach or even suggest examples of the features specified in claims 17-18. This fact provides additional reasons for the allowability of claims 17-18 over the cited references.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn & Associates, P.C. Deposit Account No. 50-0782**.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as

incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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